



**Testimony on
SB 1145 Relating to the authority of the Texas Commission on Environmental Quality to
issue permits for the land application of water produced from certain mining and oil and
gas extraction operations and
HB 49 Relating to fluid oil and gas waste and products and byproducts of that waste.**

**Provided by Julie Range
Policy Manager of Commission Shift
Before the Senate Natural Resources Committee
August 11, 2026**

Esteemed Chairman Sparks and Committee Members,

My name is Julie Range, and I am the Policy Manager of Commission Shift. When SB 1145 passed, Commission Shift was cautiously optimistic that moving oversight for the land application of treated produced water was the right decision given TCEQ's mandate to safeguard water quality. However, we are highly concerned that the rules TCEQ proposed are grossly insufficient to protect our water. The proposed framework relies on applying wastewater permitting rules intended for municipal facilities to the management of produced water. However, these rules fail to establish protective Texas Surface Water Quality Standards for numerous hazardous compounds in produced water, and they set no concrete limits to guarantee treatment meets those standards.

Research indicates that produced water contains more than 1,000 chemicals, including hazardous components.¹ These include carcinogenic substances like benzene and toluene, heavy metals like arsenic and lead, and naturally occurring radioactive material, and of course, high concentrations of salts—which can render land unproductive. Furthermore, it contains synthetic

¹ Danforth, Cloelle, Weihsueh A. Chiu, Ivan Rusyn, et al. "An Integrative Method for Identification and Prioritization of Constituents of Concern in Produced Water from Onshore Oil and Gas Extraction." *Environment International* 134 (January 2020): 105280. <https://doi.org/10.1016/j.envint.2019.105280>.

COMMISSION SHIFT

chemical additives introduced during hydraulic fracturing, which are often declared as trade secret and protected from disclosure, and, in many cases are difficult to test for.^{2, 3} Safe threshold levels remain undetermined for many of these substances, meaning that post-treatment testing should return non-detect levels to ensure safety.

Although numerous claims assert that produced water can be treated to safe standards, there is insufficient public evidence to support this. The Texas Produced Water Consortium is diligently studying the technology and viability. While their 2026 report highlights encouraging observations across five separate pilot tests, critical details regarding the operational conditions and descriptions of these pilot tests remain sparse.⁴ Furthermore, the evaluation rests on a limited dataset of just 60 water samples spanning 4 distinct stages of treatment. Even though the testing framework purports to analyze 765 analytes, a comprehensive assessment was not applied to all samples. While some tests involved more than 20 separate analyses per analyte, others rely on a mere 3 tested samples per analyte. The report does not share long-term testing data that considers bioaccumulation of chemicals on the land or in the streams where this treated effluent is discharged.

Consequently, the consortium's report falls short of demonstrating that the technology is mature, reliable, and ready for commercial viability. To date, there is insufficient evidence confirming the readiness and safety of this technology for broader deployment. We lack

² Ferrer, Imma, and E. Michael Thurman. "Chemical Constituents and Analytical Approaches for Hydraulic Fracturing Waters." *Trends in Environmental Analytical Chemistry* 5 (February 2015): 18–25. <https://doi.org/10.1016/j.teac.2015.01.003>.

³ Texas Natural Resources Code § 91.851

⁴ *Produced Water Treatment Pilot Testing: Water Quality Report*. Texas Produced Water Consortium, 2026. <https://www.depts.ttu.edu/research/tx-water-consortium/downloads/TxPWCPilotTestingWaterQualityReportFINALweb.pdf>.



definitive proof that these facilities can continuously operate at scale without endangering public health or the environment. Furthermore, the necessary safeguards to protect the public during unexpected system upsets remain unclear. TCEQ lacks sufficient information to establish truly protective standards, and the industry has yet to prove its operations are robust enough to reliably achieve them.

I understand the industry's drive to advance this work. In many regions of the state, we are running out of capacity to inject produced water, resulting in overpressurization and expensive leaking wells that may contaminate our water.⁵ The RRC is confronting a rise in costly well-plugging emergencies.⁶ Without alternate options for managing this water, oil and gas operations in specific areas may need to be curtailed. However, let's not trade one problem for another by hastily allowing unsafe waste fluids onto our soils and into our rivers.

Solutions that would improve public confidence in the treatment and beneficial reuse of produced water include updating statute to withdraw trade secret protections of chemicals used in hydraulic fracturing, and ensuring that TCEQ reconsiders its proposed rule and develops more comprehensive standards for land application and surface water discharge of produced water. To safeguard our communities as well as our vital food and water supplies, the regulations must prioritize transparency, establish uniform minimum standards, strict concentration limits, and basic design safeguards. Furthermore, the rules need to mandate rigorous reporting and testing

⁵ Webb, Shelby. "Fracking Waste Threatens Permian Basin Water Supplies, Imperils Oil Industry Plans." *E&E News by POLITICO*, December 11, 2025. <https://www.eenews.net/articles/fracking-waste-threatens-permian-basin-water-supplies-imperils-oil-industry-plans/>.

⁶ *Spikes in Underground Injection and Emergency Leaks Threaten Texas Groundwater - Commission Shift: Commission Shift*. n.d. Accessed August 10, 2026. <https://commissionshift.org/news/spikes-in-underground-injection-and-emergency-leaks-threaten-texas-groundwater/>.



standards that establish a paper trail, and confirm continuous, safe operations as permitted. In line with municipal water protocols, testing data must be publicly available and subject to independent audits. A protective regulatory framework would also include robust tracking of chronic and acute toxicity and bioaccumulation, adequate setbacks around water resources, and enhanced permitting transparency that provides clear public notice and a fair process for the public to file protests.

We are at the beginning of this nascent industry, and it is important that TCEQ establish rigorous protective standards now to ensure our public health. This necessity is amplified by the Texas Legislature's passage of HB 49, which limits corporate liability provided they meet the criteria TCEQ establishes.

Although we remain deeply concerned that HB 49 effectively absolves operators within the produced water supply chain from ensuring the safety of their operations, products, and residual byproducts, it makes it imperative that TCEQ set protective standards. Because, as it stands, the public—rather than industry—carries the risk and pays the price if these standards are insufficient.